

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QVC, INC.

Plaintiff,

vs.

Q VISION NETWORK, INC.,

Defendant.

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Civil Action No. 02-CV-2874

[PROPOSED] ORDER

Upon consideration of Plaintiff QVC, Inc.'s Motion for Entry of Default Judgment for failure of Defendant Q Vision Network, Inc. to answer or otherwise respond to Plaintiff's Complaint within the time prescribed by the Federal Rules of Civil Procedure, and all other matters presented to the Court,

IT IS HEREBY ORDERED THAT:

1. Plaintiff's Motion for Default Judgment is **GRANTED**;
2. Defendant's registration of the QVISIONNETWORK.COM, QSHOPTV.COM and QSHOP.TV domain names is hereby canceled and transferred to Plaintiff. Plaintiff shall notify the respective registrars of said domain names - namely, Go Daddy Software, Inc. (QVISIONNETWORK.COM and QSHOPTV.COM) and Network Solutions, Inc. (QSHOP.TV) - to delete and cancel Defendant's registrations and transfer said registrations to Plaintiff.
3. Defendant, its officers, agents, servants, employees, and all persons and/or entities in active concert or participation with it, shall be permanently enjoined and restrained from any of the

following activities:

- a. Using the QVC and Q marks or any confusingly similar designation - including without limitation, Q VISION NETWORK, Q SHOP and Q SHOP TV - alone or in combination with other terms, as a trademark, trade name component or otherwise, as a domain name component, directory name, or other such computer addresses, as the name of Defendant's web site(s), and/or to market, advertise or identify Defendant's goods and services;;
- b. Otherwise infringing the QVC and Q marks;
- c. Causing likelihood of confusion, injury to business reputation, or dilution of the distinctive quality of the QVC and Q marks; and
- d. Unfairly competing with Plaintiff in any manner whatsoever.

4. Defendant deliver up and destroy all signs, labels, packages, literature, advertising, devices, computer hardware and software, servers and any other materials, in the possession and/or control of Defendant, bearing the infringing designations Q VISION NETWORK, Q SHOP and Q SHOP TV, and all plates, molds, matrices and other means for making the same.

5. Defendant be directed to file with the Court and serve upon Plaintiff's counsel within thirty (30) days after entry of

this Order, a report in writing and under oath setting forth in detail the manner and form in which Defendant has complied with the requirements of this Order.

SO ORDERED this _____ day of _____ 2002.

Harvey Bartle, III, J.